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Attorneys for Defendant,
Progressive Direct Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MOHAMED HYATT ETTAGHI and CSILLA
ZOSK, both individually and as husband and
wife,

Plaintiffs,

vs.

PROGRESSIVE DIRECT INSURANCE
COMPANY; DOE INSURANCE COMPANY
I through X; DOE DRIVER I through X; DOES
REGISTERED OWNERS I through X; DOES I
through X; DOE EMPLOYEES/AGENTS I
through XX; ROE CORPORATIONS A
through Z, inclusive,

Defendants.

CASE NO: 2:24-CV-01050-APG-BNW

**AMENDED [PROPOSED] DISCOVERY
PLAN AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LOCAL RULES 26-1(e)**

**[SPECIAL SCHEDULING REVIEW
REQUESTED]**

Pursuant to the Court's Local Rule 26-3 and LR 26-3, Plaintiff MOHAMED HYATT ETTAGHI AND CSILLA ZOSK, by and through his counsel of record, Thomas Christensen, Esq., of the CHRISTENSEN LAW OFFICES, LLC; and DEFENDANT, PROGRESSIVE DIRECT INSURANCE COMPANY (hereinafter "PROGRESSIVE INSURANCE"), by and through its counsel of record, JENNIFER INSLEY MICHERI, ESQ., of the law firm of DENNETT WINSPEAR, LLP, submit their stipulated Discovery Plan and Scheduling Order.

I. The 26(f)/LR 26-1 Conference and Discovery Plan

1. There are no changes to be made in the timing, form, or requirement for

1 disclosures under Rule 26(a). On August 14, 2024, counsel for the parties met and conferred as
2 required by Fed. R. Civ. P. 26(f) and LR 26-1(d). Plaintiffs and Defendant agreed to have their
3 respective FRCP Productions submitted within 14 days of the Conference.

4 2. Discovery will be conducted on liability, damages, contractual claims and
5 defenses, extra-contractual claims and defenses and other topics permissible under Rule 26(A).
6 The parties agree that discovery need not be conducted in phases focused on any particular
7 issues.

8 3. There are no concerns, at this juncture, regarding the production of electronically
9 stored discovery.

10 4. There are no concerns, at this juncture, regarding the claim of privilege or
11 necessity for protective orders at this time.

12 5. The parties do not anticipate any potential limitations to be imposed on discovery.

13 6. Estimated time for trial: five (5) full trial days.

14 7. The parties agreed that there is no need for orders, at this juncture, to be issued
15 under Rule 26(c) or Rule 16(b) and (c), although the parties reserve the right to seek such orders
16 as discovery continues.

17 8. Alternate Dispute Resolution: The parties conferred about the possibility of using
18 alternative dispute-resolution processes and at this time have not come to any agreement
19 regarding the same.

20 9. Alternate Forms of Case Disposition: The parties do not consent to trial by a
21 magistrate judge under 28 U.S.C. §636 (c) and Fed. R. Civ. P. 73 and the use of the Short Trial
22 Program (General Order 2013-01).

23 10. Electronic Evidence. The parties do not intend to present evidence in electronic
24 format to jurors for the purpose of jury deliberations at this time.

25 II. The Scheduling Order

26 1. Defendants filed its Answer on July 17, 2024. 240 days will be needed for
27 discovery. The parties hereby request an expanded discovery period not only so that following
28 receipt of executed authorizations for the release of Plaintiff's relevant pre and post-accident

1 medical treatment records and bills, Defendant is able to obtain Plaintiff's medical records and
2 bills, as well as complete a review and evaluation of Plaintiff's claims in connection with this
3 matter, and potential allegation of need for future care, but due to the questions and information
4 sought regarding the extra-contractual allegations pending against Progressive at issue in this
5 case, and which further justify an expanded discovery period as respectfully requested herein,
6 which is supported by good cause accordingly.

7 In addition once records and bills are obtained from numerous providers, further time is
8 necessary in order for the parties to provide experts with relevant records for expert review and
9 evaluation, including pre-accident records and regarding prior medical conditions, followed by an
10 independent medical examination of potentially Plaintiff, by Defendant's expert[s].

11 2. Discovery Cut Off Date: The discovery cut-off deadline will be Friday, March 12,
12 2025 which is 240 days after Defendant filed its Answer.

13 3. Amending the Pleadings and Adding Parties: The last date for filing motions to
14 amend the pleadings or add parties shall not be later than 90 days prior to the close of discovery.
15 In this action, the last date for filing motions to amend the pleadings or add parties shall be
16 Friday, December 12, 2024.

17 4. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): The last date for disclosure of
18 expert witnesses shall be 60 days before the discovery cut-off date. In this action, the last date
19 for disclosure of experts shall be January 13, 2025.¹ Disclosures with respect to rebuttal experts
20 shall be made 30 days after the initial disclosures or experts, or by February 12, 2025.

21 5. Dispositive Motions: The last date for filing dispositive motions shall not be later
22 than 30 days after the discovery cut-off. In this action, the last date for filing dispositive motions
23 will be April 11, 2025.

24 6. Pre-Trial Order: The joint pre-trial order shall be filed no later than 30 days after
25 the date set for filing dispositive motions. In this action, the joint pre-trial order shall be filed on
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28 ¹ 60 days before the discovery deadline is Saturday, January 11, 2025, as such the
deadline will be set for the next judicial day, which is Monday, January 13, 2025.

1 or before Monday May 12, 2025.² In the event dispositive motions are filed, the date for filing the
 2 joint pre-trial order shall be suspended 30 days after decision of the dispositive motion or further
 3 order of the Court.

4 7. Fed. R. Civ. P. 26(a)(3) Disclosures: The disclosures required by Fed. R. Civ. P.
 5 26(a)(3) and any objections thereto shall be included in the pre-trial order.

6 8. Any request to extend the dates set forth in this Discovery Plan and Scheduling
 7 Order shall be submitted to the Court not later than 21 days before the expiration of the subject
 8 deadline sought to be extended.

9 INTITIAL DISCLOSURES AND DISCOVERY

10 Initial Disclosures shall be made on or before August 30, 2025. Objections to Initial
 11 Disclosures will be filed within ten days after the submission of the Joint Discovery Plan and
 12 Scheduling Order, if any. (Fed. R. Civ. P. 26(f)(3)(A)).

13 The parties anticipate conducting written discovery and depositions on all issues allowed
 14 under the Federal Rules of Civil Procedure. (Fed. R. Civ. P. 26(f)(3)(B)).

15 The parties hereto will submit a stipulated protective order and confidentiality agreement
 16 (previously provided to counsel) to be filed with the Court prior to the disclosure of Defendant's
 17 materials regarding Plaintiff's contractual and extra-contractual claims against Defendant. (Fed.
 18 R. Civ. P. 26(f)(3)(D)).

19 There are currently no issues which parties are aware of regarding discovery of
 20 electronically stored information or claims of privilege/protection of trial preparation materials.
 21 (Fed. R. Civ. P. 26(f)(3)(C-D)).

22 There are currently no changes which should be made in the limitations on discovery
 23 imposed by the Federal or Local Rules of practice and no additional orders that this Court should
 24 issue at this time. (Fed. R. Civ. P. 26(f)(3)(E-F)).

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 28 ² 30 days after the discovery deadline is Sunday, May 11, 2025, as such the deadline will
 be set for the next judicial day, which is Monday, May 12, 2025.

1 DATED this 10th day of September, 2024.

DATED this 11th day of September, 2024.

2 **QUALEY LAW GROUP**

DENNETT WINSPEAR, LLP

3
4 By /s/ Robert s. Qualey
Robert S. Qualey, Esq.
5 Nevada Bar No. 3570
711 Mall Ring Circle, Suite 200
6 Henderson, Nevada 89014
Attorneys for Plaintiffs,
Mohamed Hyatt Ettaghi and
Csilla Zsok

By _____
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Attorneys for Defendants
PROGRESSIVE MUTUAL AUTOMOBILE
INSURANCE COMPANY

11 **ORDER**

12 Good cause appearing therefore, IT IS SO ORDERED.

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14 DATED this 13 day of September, 2024.

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17 UNITED STATES MAGISTRATE JUDGE

DENNETT WINSPEAR
ATTORNEYS AT LAW



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Theresa Amendola

From: rqualey@qualeylawfirm.com
Sent: Tuesday, September 10, 2024 6:52 PM
To: Jennifer Insley Micheri
Cc: Marisa McGuigan; Anthony Amendola; 65f519d3e+matter1721670080@maildrop.clio.com; Ashley Marchant; Theresa Amendola; Ryan Dennett
Subject: RE: Ettachi v Progressive - Case No. 2:24-cv-01050-APG-BNW

Sorry for the late response - It is OK to add my e-signature

-----Original Message-----

From: "Jennifer Insley Micheri" <jinsley-micheri@dennettwinspear.com>
Sent: Tuesday, September 10, 2024 10:42am
To: "Marisa McGuigan" <mmcguigan@qualeylawfirm.com>
Cc: "rqualey@qualeylawfirm.com" <rqualey@qualeylawfirm.com>, "Anthony Amendola" <aamendola@dennettwinspear.com>, "65f519d3e+matter1721670080@maildrop.clio.com" <65f519d3e+matter1721670080@maildrop.clio.com>, "Ashley Marchant" <amarchant@dennettwinspear.com>, "Theresa Amendola" <tamendola@dennettwinspear.com>, "Ryan Dennett" <rdennett@dennettwinspear.com>
Subject: RE: Ettachi v Progressive - Case No. 2:24-cv-01050-APG-BNW

Robert,

This is the format necessary under the Rules and LR. Please review and advise if we have your authority to submit with your e-sign.

Also, I note that we do not have a copy of Plaintiff's initial productions following the 8/14/24 26(f) Conference. Please forward Plaintiff's initial productions upon receipt of this email.

Feel free to contact me should you wish to discuss further.

Jennifer Insley Micheri, Esq.



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From: Marisa McGuigan
Sent: Monday, September 09, 2024 10:00 AM